

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE BENEFIT
OF THE REGISTERED HOLDERS OF UBS
COMMERCIAL MORTGAGE TRUST 2019-C17,
COMMERCIAL MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2019-C17, acting by and
through its special servicer, Rialto Capital Advisors,
LLC, as Special Servicer under the Pooling and
Servicing Agreement dated as of October 1, 2019,

Plaintiff,

v.

36th STREET PROPERTY INC.; HR 442 CORP.; AE
SOOK CHOI; JIN SUP AN; NEW YORK CITY
DEPARTMENT OF FINANCE; NEW YORK CITY
ENVIRONMENTAL CONTROL BOARD;
NEWBANK; and “JOHN DOE NO. 1” TO “JOHN DOE
NO. 100” inclusive, the last one hundred names being
fictitious and unknown to plaintiff, the persons or parties
intended being the tenants, occupants, persons or
corporations, if any, having or claiming an interest in or
lien upon the premises described in the complaint,

Defendants.

Civil Action File No.
22-cv-00302-LGS

**ORDER TO SHOW CAUSE
SEEKING THE IMMEDIATE
APPOINTMENT OF A RECEIVER**

UPON the application of plaintiff Wilmington Trust, National Association, As Trustee For The Benefit of the Registered Holders of UBS Commercial Mortgage Trust 2019-C17, Commercial Mortgage Pass-Through Certificates Series 2019-C17 (“Plaintiff”), acting by and through its special servicer, Rialto Capital Advisors, LLC (“Special Servicer”), as Special Servicer under the Pooling and Servicing Agreement dated as of October 1, 2019 (the “PSA”), for an emergency order: (i) appointing Janus Hotel Management Services, LLC as receiver to take immediate possession and control of the assets of Borrowers, which includes, without limitation, certain real property and improvements located at the real property located at 442 West 36th Street,

New York, New York 10018 and improved by the Hudson River Hotel (the “Property”); and (ii) granting such other and further relief as this Court deems just, proper and equitable, and upon the Complaint dated January 12, 2022 filed herein and the exhibits annexed thereto, upon the Local Rule 6.1(d) Declaration of Emergency of Keith M. Brandofino, Esq., dated February 1, 2022 and the supporting declaration of Javier Callejas, dated January 25, 2022, and all exhibits respectively annexed thereto, and upon the Memorandum of Law supporting Plaintiff’s application; it appearing that this is a proper case for the issuance of an Order to Show Cause, as the Property securing Plaintiff’s \$14,200,000 loan at issue in this action will imminently suffer waste and diminished value if the relief requested is not granted; and

FOR GOOD CAUSE APPEARING THEREFORE, it is hereby:

ORDERED that the above-named defendants, either in person or by their attorneys, show cause before this Court at Courtroom ____, United States District Courthouse, 500 Pearl Street, New York, New York, on the ____ day of ____, 2022 at 9:30 a.m., or as soon thereafter as counsel can be heard why an Order: (i) appointing Janus Hotels & Resorts as receiver to take immediate possession and control of Borrowers’ assets pursuant to Rule 66 of the Federal Rules of Civil Procedure, should not be issued; and (ii) granting such other and further relief as this Court deems just, proper and equitable.

Sufficient cause appearing therefore, Plaintiff shall serve a copy of this Order together with the papers upon which it is granted, upon each of the above-named defendants by _____, 2022; and

Let any opposition to the application of Plaintiff brought on by this Order to Show Cause be served upon Plaintiff by delivering a copy of such opposition to counsel for Plaintiff, Holland & Knight LLP, 900 Third Avenue, New York, New York 10022, by email on its counsel

of record on or before _____, 2022; and let reply to the opposition be served upon Defendants on or before _____, 2022.

SO ORDERED this _____ day of _____, 2022.

Honorable Lorna G. Schofield, U.S.D.J.